



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bruno GHYSELEN et al.

Confirmation No.: 9064

Application No.: 10/637,094

Group Art Unit: 2823

Filed: August 6, 2003

Examiner: Thanh V. PHAM

For: METHOD AND APPARATUS FOR  
ADJUSTING THE THICKNESS OF A  
LAYER OF SEMICONDUCTOR  
MATERIAL

Attorney Docket No.: 4717-6300

**DECLARATION OF BRUNO GHYSELEN, CÉCILE AULNETTE,  
AND BÉNÉDITE OSTERNAUD UNDER 37 C.F.R § 1.131**

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

We, Bruno GHYSELEN, Cécile AULNETTE, and Bénédite OSTERNAUD,  
do declare that:

1. We are the inventors described in the above-identified patent application, which claims priority from French Application No. 0210208 (the “208 application”) and French Application No. 0210209, both of which were filed on August 12, 2002 (collectively, the “French priority applications”).

2. We have reviewed and understand the above-identified patent application; the filed Amendments, including the Amendment dated September 29, 2005; the Office Actions in this application, including the Office Action dated October 31, 2005; the cited reference U.S. Publication No. 2004/0017574 (“Vuong”), which was filed on July 25, 2002; and Exhibit A, attached hereto.

3. This declaration is filed in support of the claimed invention of the above-identified application to show that prior to July 25, 2002, we had conceived the subject matter of the invention and that we exercised due diligence from prior to July 25, 2002 through our constructive reduction to practice of the invention by the filing of the applications in France on August 12, 2002.

4. Attached hereto is Exhibit A, is a letter with attachments from a French patent firm dated earlier than July 25, 2002, but less than a year before the '208 application filing date. The letter is from the Assignee's French patent firm, Cabinet Regimbeau, and the attachments are a draft version of the '208 application (the "draft") that was prepared by the French firm, and an invoice for legal services in preparing the draft. While date information has been redacted from the Exhibit, each of the letter, draft, and invoice reference the patent firm's internal docket number for the related matter, namely "D19 989".

5. Based on our review of the draft in Exhibit A, claims 1-14 of the draft correspond word for word with claims 1-14 of the '208 application; claims 15-24 of the draft correspond word for word with claims 16-25 of the '208 application; the drawings of the draft also appear in the '208 application; and the specification is very close to the specification of the '208 application.

6. Additionally, support for at least independent claims 1 and 16 as presently pending in the application is found throughout the draft. For example, claims 1 and 16 are supported in claim 1 of the draft and in the specification. The following is a translation of claim 1 of the draft:

1. Method for correcting the thickness of a thin semiconductor material layer, comprising the following steps:
- acquisition of at least one measure of the layer thickness,
  - determination of thickness correction specification to be applied to the layer, as a function of acquired thickness measures,
  - correction of the layer thickness according to the correction specification characterized in that the determination of the correction specification includes;
    - establishing a layer thickness profile from the acquired thickness measures,
    - comparing the profile with stored standard profile, each standard profile being stored in association with respective thickness correction specification, and
    - the selection of a stored standard profile to associate to the layer that has to be corrected in thickness, the stored thickness correction specification in association with the chosen standard profile.

7. The following table illustrates the support of features of the presently pending claim 1 of the application by features of translated claim 1 from the draft. Presently pending claim 16 of the application is similarly supported by the draft as claim 1:

<b>Presently pending claim 1 of the application</b>	<b>Paragraphs from translated claim 1 of the draft</b>
1. A method for adjusting the thickness	1. Method for correcting the

of a thin semiconductor material layer, which comprises:	thickness of a thin semiconductor material layer, comprising the following steps:
measuring said layer to establish a thickness profile;	· acquisition of at least one measure or the layer thickness, · establishing a layer thickness profile from the acquired thickness measures,
comparing the measured thickness profile with stored standard profiles, wherein each standard profile is stored in association with respective thickness adjustment specifications;	· comparing the profile with stored standard profile, each standard profile being stored in association with respective thickness correction specification, and
selecting a stored standard profile to associate said layer with the respective thickness adjustment specification; and	· the selection of a stored standard profile to associate to the layer that has to be corrected in thickness, the stored thickness correction specification in association with the chosen standard profile.
adjusting the actual thickness of said layer by simultaneously treating the entire surface of said layer selectively in accordance with the thickness adjustment specification.	· correction of the layer thickness according to the correction specification  <i>and further support at page 26, line 20- page 27, line 20, and claim 20 of the draft.</i>

8. As shown above, at least claims 1 and 16 are fully supported by the draft, which demonstrates that we conceived of the claimed invention prior to July 25, 2002.

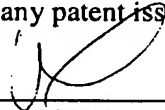
9. We further state that we proceeded diligently to obtain patent protection from before July 25, 2002 through the date of filing of the French priority applications. At no time did we ever intend to abandon or not pursue this invention. When we received the draft, we diligently reviewed it and confirmed that invention was properly described, and we diligently proceeded with the preparation and filing of the French priority applications.

10. Consequently, we were in possession of the invention of at least claims 1 and 16 before July 25, 2002, which is the effective prior art date of Vuong, and we exercised due diligence from before this date through the constructive reduction to practice of the invention by filing the French priority applications.

11. We each hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be

true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application, and any patent issuing thereon.

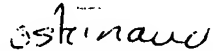
Dated: July 3<sup>rd</sup>, 2006

  
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Bruno GHYSELEN

Dated: 2006-05-02

  
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Cécile AULNETTE

Dated: 2006-05-10

  
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Bénédite OSTERNAUD